Court No.2

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Civil Misc. Writ Petition No. 1830(S/S) of 2001
(Old No. 27611 of 1999)

Kumari Rani Mishra .... Petitioner

Versus

Vice Chancellor, Govind Ballabh Pant University of Agriculture and Technology, Pant Nagar, District-Udham Singh Nagar and three others.... Respondents

.....

Hon'ble P.C.Verma,J.

This petition has been filed by the petitioner seeking writ of mendamous commanding the respondents to sanction the family pension under the rules applicable for family pension in the Govind Ballabh Pant University of Agriculture and Technology.

The learned Counsel for the respondent-University Sri Rajendra Dobhal has informed this Court that the family pension as per rules has already been sanctioned including the entire outstanding dues payable to the successor of the deceased, vide order dated 1/2-7-1999. He further informed that the amount sanctioned could not be released in view of the rival claims of the petitioner and her brother. There can be two or more successors of the deceased. The amount sanctioned can be released in the proportion of their shares on production of sucession certificate issued by the District Judge.

The petitioner in this writ petition has claimed entire family pension including arrears of the dues payable to the deceased claiming herself to be sole successor. In view of this statement made by Sri Rajendra Dobhal, learned counsel for the respondent-University informing that other claimants are also claiming. Therefore, this court cannot issue a writ of

mandamus for releasing of the amount in favour of the petitioner alone.

In these circumstances, it is provided that petitioner shall submit a succession certificate duly issued by the District Judge concerned and if succession certificate so produced by the petitioner, the amount sanctioned shall be released as per succession certificate.

The petition is disposed of accordingly.

22.09.2003
Mohit

(P.C. Verma, J.)